Supreme Court, U.S.
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No. 00-1120

In The

Supreme Court of the United States

Evans Koukios, d/b/a Scientific Information Systems

Petitioner

v.

Michael Ganson, L.P.A./Mr. Michael Ganson; Graydon, Head and Ritchey/Mr. Harry J. Finke; Cincinnati Bar Association /Mr. Edwin W. Patterson III; Supreme Court of Ohio, Office of Disciplinary Counsel/Ms. Sally Ann Steuk.

Respondents

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITIONER'S REPLY TO BRIEF IN OPPOSITION BY RESPONDENTS GRAYDON, HEAD & RITCHEY AND HARRY J. FINKE

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Though Respondents must raise issues of legal and factual inaccuracies in a brief in opposition to a Petition for a Writ of Certiorari, the arguments and inaccuracies claimed are not supported by the record.

ARGUMENT

First, Respondents' brief asserts "it would be unreasonable to conclude that Mr. Koukios has preserved for appeal any issue relating in any way to Mr. Finke" and that "it does not appear from Mr. Koukios' Writ of Certiorari that he is requesting a review of the Sixth Circuit's determination that the District Court did not abuse its discretion by failing to assert supplemental jurisdiction" (p. 2).

Petitioner's First Amended Complaint specifically listed all of the defendants included in the caption of this Writ of Certiorari, in their official and individual capacities. Petitioner's appeal before the Sixth Circuit asked that the First Amended Complaint not be dismissed, and it necessarily applied to all of the defendants named and to all of the claims in the Amended Complaint. The caption of the Sixth Circuit case was selected by the Court of Appeals and had no bearing on the seven issues presented for review.

Second, all issues related to the denial of jurisdiction were necessarily preserved and argued, including the issues in the three questions presented in the Writ of Certiorari: (1) whether the District Court failed to take cognizance of the United States Constitution, Article VI; (2) whether the facts alleged supported claims under the Fourteenth Amendment and 42 U.S.C. § 1983; and (3) whether the multiple and

significant due process violations inflicted on the self-represented Plaintiff, who has a federal right to pursue his claim in a United States District Court, were prejudicial and/or injurious to the Plaintiff and his federal right of self representation itself. Each question must apply to Defendants GHR and Harry J. Finke and no distinction should be drawn or raised.

Third, there are no "legal and factual inaccuracies" in Petitioner's writ as asserted by Respondent (p. 2). The Magistrate Judge examined the evidence put forth pursuant to GHR's motion for summary judgment and found that Plaintiff's claim was filed within the one-year statute of limitations for an attorney malpractice cause of action in Ohio. The Magistrate necessarily recognized the existence of the state law cause of action related to the statute of limitations defense litigated. Moreover, the delay by the District Court in permitting discovery is prejudicial under Ohio's Constitution and the granting of a protective order to GHR, a represented defendant, is a part of the record. The question of supplemental jurisdiction is simply a sub-part of the questions presented and is resolved by grant of certiorari and reversal on any question presented.

Finally, Respondents' assertion that "this case lacks any compelling issues sufficient to justify granting Mr. Koukios' Writ" (p. 3) only adds injury to injury. Each question presented involves federal issues in a record developed over more than four years of litigation. If the issues were not important, significant and of great public interest, such litigation could not have been sustained by a pro se plaintiff in the presence of these "legal" defendants.

Nor could the issues have come to the United States Supreme Court from the Ohio Supreme Court. Access to the Ohio Supreme Court was denied as alleged by the facts with respect to the infirm state attorney disciplinary system. In addition, in the state court action filed by Plaintiff within 30 days of the District Court's March 17, 1999 judgment, defendants CBA and Ganson filed motions to dismiss based on *res judicata* from the federal judgment, and prevailed. Thus the same infirm custom of the state that previously denied a Plaintiff notice and hearing was impermissibly employed by counsels for these defendants once again. Pending appeal, counsel for GHR asked for, and was granted, a stay of the state court proceedings on the viable malpractice claim, freezing discovery and postponing trial for yet another indefinite period.

CONCLUSION

For the reasons above, Petitioner's Writ of Certiorari, on the District Court's March 17, 1999 judgment, should not be denied as argued by Respondents GHR and Harry J. Finke.

/s/_____
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